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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Tetsuro Motoyama

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EXAMINER

EDELMAN, BRADLEY E

ART UNIT

PAPER NUMBER

2153

16

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/453,936

Applicant(s)

MOTOYAMA ET AL.

Examiner

Bradley Edelman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,6-14 and 18-23 is/are rejected.
- 7) ☐ Claim(s) 3-5 and 15-17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 May 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9, 10, 15
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This Office action is in response to Applicant's request for continued examination filed on April 23, 2004. Claims 1-23 are presented for examination. Claim 23 is a new claim.

Specification

The disclosure is objected to because of the following informalities:

- a. In paragraph [p6], on line 4, the phrase "multiple protocols to communicated the event data" contains incorrect grammar.
- b. In paragraph [p104], on line 2, the phrase "step 4 in the source code correspond to..." contains incorrect grammar.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 2, 6-10, 13, 14, and 18-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Motoyama (U.S. Patent No. 5,818,603).

In considering claim 1, Merritt discloses a computer program product for controlling a combination of communication protocol ("communication protocol") and

format ("format") used to communicate event data between a remote receiver ("control/diagnostic system") and a device ("device") comprising:

A first computer code device configured to select the communication protocol to transfer event data between the remote receiver and the device (col. 12, lines 1-2, "flow proceeds from step 324 to step 326 which obtains a record from the communication protocol database");

A second computer code device configured to select a first format to transfer event data between the remote receiver and the device (col. 12, lines 14-17, "step 334 then reads the data base defined in the location of data formats of protocol of the communication protocol data base in order to determine the data format which is utilized by the received communication"); and

A third computer code device configured to determine, subsequent to the selection of the communication protocol and the format, if the communication protocol selected by the first computer code device is compatible with the first format selected by the second computer code device (col. 12, lines 19-36, "the 'location of data formats of protocol' field identifies a data base which is searched in order to locate a record corresponding to the record in the communication protocol data base and this further data base is searched in order to find the format information").

In considering claim 2, Motoyama further discloses a fourth code means configured to select a second format for transferring event data if the first format is not compatible with the selected protocol, wherein the third computer code device is further

configured to determine if the communication protocol selected by the first computer code device is compatible with the second format selected by the fourth code device (col. 12, lines 30-36, wherein the system performs a look-up routine that traverses the data base in order to find a compatible format and for a given protocol).

In considering claim 6, Motoyama further discloses storing a first indicator, corresponding to the communication protocol selected, in a map entry, and storing a second indicator, corresponding to the first format, in a the map entry (col. 12, lines 1-18, wherein both indicators are mapped in a data base).

In considering claim 7, Motoyama further discloses comparing the first and second indicators stored in the map against values in a data structure corresponding to at least one compatible format for a specified communication protocol (col. 12, lines 19-36, wherein a different database stores "a record corresponding to the record in the communication protocol data base... in order to find the format information").

In considering claim 8, Motoyama further discloses comparing the first and second indicators stored in the map against values in a data structure corresponding to at least one compatible communication protocol for a specified format (col. 12, lines 19-36, wherein a different data base stores "a record corresponding to the record in the communication protocol data base... in order to find the format information").

In considering claim 9, the system taught by Motoyama further discloses iterating over values in a data structure corresponding to at least one compatible communication protocol for a specified format (col. 12, lines 27-30, "a file identified within the 'location of data formats of protocol' field... is read in order to determine the communication protocol").

In considering claim 10, the system taught by Motoyama further discloses iterating over values in a data structure corresponding to at least one compatible format for a specified protocol (col. 12, lines 30-36, "the 'location of data formats of protocol' field identifies a data base which is searched in order to locate a record corresponding to the record in the communication protocol data base and this further data base is searched in order to find the format information").

In considering claim 13, claim 13 is a parallel method claim to claim 1, and is thus rejected for the same reasons.

In considering claim 14, claim 14 is a parallel method claim to claim 2, and is thus rejected for the same reasons.

In considering claim 18, claim 18 is a parallel method claim to claim 6, and is thus rejected for the same reasons.

In considering claims 19 and 21, Motoyama further discloses that the event data is generated by an internal operation of the device (col. 3, lines 41-65, describing the internal sensors on the devices and the communication).

In considering claims 20 and 22, Motoyama further discloses transferring the event date between the remote receiver and the device (col. 3, lines 41-65).

In considering claim 23, claim 23 presents a device for performing the same steps as described in claim 1, and is thus rejected for the same reasons.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Motoyama, in view of Merritt et al. (U.S. Patent No. 6,421,429, hereinafter "Merritt").

In considering claim 11, Motoyama discloses that the information regarding the communications between the two networked devices is stored in a database structure. However, Motoyama does not disclose the use of libraries or dynamically linked library of code to share the communication information. Nonetheless, the use of libraries to store information regarding communication capabilities between two networked devices

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is well known, as evidenced by Merritt. In a similar art, Merritt discloses a system for selecting appropriate protocols and formats for communication between two devices on a network (col. 3, lines 10-32; col. 4, lines 32-45), wherein the system uses a library of code shared between first and second applications (col. 5, lines 29-32, "library of image processing software to be maintained and shared economically by many users"). Thus, given the teaching of Merritt, a person having ordinary skill in the art would have readily recognized the desirability and advantages of using a library of code to store the common communication data between the two devices in the system taught by Motoyama, in order to more economically share the different communication processes between the two devices. Therefore, it would have been obvious to use shared libraries to store the computer code taught by Motoyama.

In considering claim 12, although Merritt discloses the use of libraries, Merritt does not explicitly disclose that the library is a dynamic link library. Nonetheless, Examiner takes Official notice that the use of dynamic link libraries as a type of library to store computer code is well known in the art. Thus, given this knowledge, a person having ordinary skill in the art would have readily recognized the desirability and advantages of using dynamic link libraries in conjunction with the libraries of software taught by Merritt, because such libraries avoid the need to rewrite code for every new program or application. Therefore, it would have been obvious to use dynamic link libraries for the applications in the system taught by Motoyama and Merritt.

Allowable Subject Matter

3. Claims 3-5 and 15-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Each of these claims describes how to negotiate between the protocols and formats when the communication protocol supports either only one format at a time, or multiple formats at a time. The prior art of record does not disclose or render obvious the negotiation methods claimed in these claims.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley Edelman whose telephone number is (703) 306-3041. The examiner can normally be reached on Monday to Friday from 8:30 AM to 5:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on (703) 305-4792. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

For all correspondences: (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Bradley Edelman

BE

July 8, 2004